

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-00252-RJD-15
 :
- versus - : U.S. Courthouse
ALFREDO HAWITT, : Brooklyn, New York
 Defendant : February 1, 2016
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TRANSCRIPT OF CRIMINAL CAUSE FOR
BOND SATISFACTION HEARING
BEFORE THE HONORABLE STEVEN M. GOLD
UNITED STATES CHIEF MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: Criminal Cause for a Bond
2 Satisfaction, United States v. Alfredo Hawit, case number
3 15-cr-252.

4 And present we have Spanish interpreter
5 Estrelita Plested, previously sworn.

6 (INTERPRETER PREVIOUSLY SWORN)

7 THE CLERK: Counsel, your name for the record.

8 MR. TUCHMANN: Paul Tuchmann for the United
9 States.

10 Good afternoon, your Honor.

11 THE COURT: Hello, Mr. Tuchmann.

12 MR. WEDDLE: Good afternoon, your Honor.

13 Justin Weddle. I'm with the law firm Brown
14 Rudnick for the defendant, Mr. Hawit.

15 THE COURT: Hi, Mr. Weddle. I have inferred
16 that you are retained --

17 MR. WEDDLE: That's correct, your Honor.

18 THE COURT: -- and that you filed a notice of
19 appearance on Mr. Hawitt's behalf.

20 MR. WEDDLE: That's correct, your Honor.

21 THE COURT: Thank you.

22 Mr. Hawit, are you understanding everything
23 that's being said as it's translated into Spanish?

24 THE DEFENDANT: Yes.

25 THE COURT: Very well. So although I have an

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1 idea, I'll give you gentlemen the privilege of spreading
2 on the record why we are gathered here this afternoon.

3 MR. TUCHMANN: Sure, your Honor. I can't
4 remember the exact date, it was either last week or the
5 week before, Judge Levy ordered -- set a bond of \$1
6 million for the defendant to be supported by \$50,000 in
7 cash, signatures of four suretors, and a piece of
8 property in Florida owned by one of the suretors.

9 Since then, the confession of judgment or its
10 Florida equivalent has been filed on the property and the
11 cash has been posted and three of the four suretors who
12 were discussed at that previous bail hearing have signed
13 the bond in Florida, at the federal courthouse in the
14 Southern District of Florida, and my understanding is
15 that that copy of that document has been provided to the
16 Court here by fax.

17 The one thing that hadn't happened was that one
18 proposed suretor, a Ms. Miskini (ph.), has for whatever
19 reason, elected not to sign the bond. Mr. Weddle has
20 informed me that he can replace her with a different
21 suretor, Ms. Mendez (ph.), who he has told me about.

22 THE COURT: I have an Olga Marina Nunez (ph.).

23 MR. TUCHMANN: Nunez.

24 MR. WEDDLE: That's right.

25 MR. TUCHMANN: Sorry, Nunez, not Mendez; my

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1 apologies.

2 And that Ms. Nunez is an acceptable substitute
3 to the government. And so, the government is -- well,
4 the government had originally opposed this bond but the
5 government is not appealing Judge Levy's order setting
6 the bond. And in light of that, under those
7 circumstances, the government consents to the
8 substitution of Ms. Nunez and to the release of the
9 defendant today with -- on the condition that Ms. Nunez
10 sign the bond in Florida by Wednesday of this week.

11 THE COURT: The 3rd?

12 MR. TUCHMANN: Yes, your Honor.

13 THE COURT: Do we have any information about
14 (a) Ms. Miskini's reasons for her apparent change of
15 heart and (b) and perhaps of greater pertinence to me
16 frankly, Ms. Nunez's relationship to the defendant and
17 her creditworthiness as a potential suretor on a
18 substantial bond.

19 MR. TUCHMANN: Sure. Well, I can I guess -- I
20 will leave to Mr. Weddle Ms. Miskini's reasons for not
21 signing the bond but my understanding is that after
22 discussing it with her spouse, she changed her mind.
23 That's my understanding but I will leave that to him, if
24 your Honor wishes for more detailed or confirm that.

25 As for her financial responsibility, on the one

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1 hand --

2 THE COURT: Ms. Nunez's?

3 MR. TUCHMANN: Ms. Nunez's financial
4 responsibility and relationship, again my understanding
5 from Mr. Weddle is that Ms. Nunez some time ago was in a
6 relationship with Mr. Hawit and they had a child
7 together. That child is also signing the bond, and the
8 person with whom the defendant will live in Florida on
9 home confinement and electronic monitoring upon his
10 release.

11 So the person -- Ms. Nunez is the mother of
12 that suretor and together, Mr. Hawit and Ms. Nunez are
13 the parents of that child, although they are not married
14 and I don't believe they have ever been married. So that
15 is their relationship and they've known each other,
16 therefore, for a long time, which again this is all
17 coming from Mr. Weddle who I -- and I have no reason to
18 doubt any of that.

19 As to her creditworthiness, she is of modest
20 means in that she is on Social Security. She's a retired
21 person. She is a U.S. citizen and she does some, as I
22 understand it, home health aide type work also.

23 From the government's perspective, Ms. Miskini
24 -- in terms of the overall bond, Ms. Miskini was a
25 similar financial profile. She also -- while she was not

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1 on Social Security, she was a preschool teacher who made,
2 I think, a rough total of about \$7,000 or \$8,000 a year.
3 And, in fact, she had far less of a relationship with the
4 defendant than Ms. Nunez does.

5 So from the government's perspective, to the
6 extent that that bond that was approved by Judge Levy was
7 satisfactory, substituting Ms. Nunez for Ms. Miskini does
8 not in any way reduce the weight of the bond.

9 Further, I am also informed by Mr. Weddle that
10 at the time -- well, I do know that at the time of the
11 bond hearing, the property in Florida that was posted, we
12 were understood had an equity value of approximately
13 \$250,000. Since that hearing, Mr. Weddle's obtained an
14 appraisal and the equity value is, in fact, closer to
15 \$350,000.

16 So compared with where we were before, we now
17 have \$100,000 more in equity and the substitute of Ms.
18 Nunez for Ms. Miskini does not, the government believes,
19 reduce the weight of the bond.

20 THE COURT: And you're satisfied? You've seen
21 the document or somebody from the government has, that
22 the property in Florida is tied up.

23 MR. TUCHMANN: Yea, the satisfaction of the --
24 the equivalent of a confession of judgment, yes.

25 THE COURT: Thank you.

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1 Mr. Weddle, thank you for your patience.

2 MR. WEDDLE: Thank you, your Honor.

3 THE COURT: Would you like to clarify anything
4 that's been said?

5 MR. WEDDLE: That all sounds correct to me,
6 your Honor. I appreciate your seeing us today.

7 THE COURT: It sounds like you don't have
8 anything else to say.

9 I do have a question or two for you. When this
10 bond was completed, it stated that as a condition of the
11 bond, the defendant would reside at his daughter's
12 residence at the address stated in the pretrial services
13 report. Now that report may make all of this quite
14 clear. I don't have the privilege of having it in front
15 of me but I see that two of the suretors -- somewhat
16 confusingly, frankly --

17 MR. TUCHMANN: Yes.

18 THE COURT: -- apparently have the same name,
19 Lisette Hawit with different hyphenated suffix names of
20 Green and Medrano (ph.).

21 MR. WEDDLE: That's correct, your Honor.

22 THE COURT: Can you speak to that for me at all
23 and tell me who is going to be residing with and whose
24 property is being posted?

25 MR. WEDDLE: Yes, your Honor. Lisette Hawit-

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1 Green is the defendant's daughter and he's going to
2 reside with her and her son, who is eight-years-old. So
3 he's going to reside with Lisette Howard-Green on home
4 detention with electronic monitoring at Lisette Howard-
5 Green's address.

6 That address is available -- I'm not sure if
7 your Honor wants it on the public record.

8 THE COURT: No, it's not necessary.

9 MR. WEDDLE: The -- and that's the address
10 that's laid out in the pretrial services report. The
11 other Lisette is Lisette Hawit-Medrano. Lisette Hawit-
12 Medrano is the defendant's cousin and she also resides in
13 Florida and she posted a house that she owns, not
14 actually the house that she lives in but a house that she
15 owns where her son lives, is the house that was posted as
16 security for the bond.

17 THE COURT: That helps. Any further
18 information about Ms. Miskini to share?

19 MR. WEDDLE: Oh, I think the prosecutor
20 captured it, your Honor. I think that there was
21 incorrect comm -- or inadequate communication within the
22 family, I think, of what the bond -- signing the bond
23 entailed and upon further reflection, the family unit
24 decided that they did not want to sign the bond.

25 It should be noted, your Honor, that Ms.

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1 Miskini, I think, said she had not met the defendant.
2 She is friends with Lisette Howard-Green and they worked
3 together and she originally said she understood the bond
4 and was willing to support and then on further
5 reflection, decided not to but --

6 THE COURT: All right. Unfortunately, it's a
7 rather crowded form.

8 MR. WEDDLE: Yes.

9 THE COURT: I do have enough room in the margin
10 to create a new signature line for Ms. Nunez. I'm going
11 to do it perpendicular to the text of the bond and I'm
12 only putting this out there on the record so that as Ms.
13 Nunez appears in court in Florida, they'll understand
14 that this is not an altered or an improperly altered
15 document.

16 And that name is Olga Marina Nunez, and I see I
17 have an address you've provided us with, counsel, for
18 that suretor which I will enter on the bond, as well.

19 All right. So I take it that Mr. Hawit needs
20 to be alerted to all of the conditions of his bail and
21 the consequences should he violate them.

22 MR. WEDDLE: I believe Judge Levy went over
23 there but there's certainly no harm in restating them
24 now.

25 THE COURT: I think it's prudent to do that.

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1 Mr. Hawit?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: A lot of people including your
4 daughter, your niece, cousin --

5 MR. WEDDLE: Cousin.

6 THE COURT: -- cousin and whoever Brett Green
7 is to you --

8 MR. WEDDLE: Former son-in-law, your Honor.

9 THE COURT: -- and Ms. Nunez, the mother of
10 your child, have all been working very hard to persuade
11 the Court that you should be released on bail. Now you
12 have to begin working hard. Let me explain to you what I
13 mean.

14 There are a lot of rules you have to follow
15 while you are on bail. I am going to tell you what they
16 are in a minute but the first rule I want you to
17 understand that is if you break any of the rules, those
18 people, your daughter, your cousin, your former son-in-
19 law, and your -- the mother of your child, will each owe
20 the United States government \$1 million.

21 The \$50,000 that has been posted will
22 automatically become the property of the United States
23 government. The 843 Northwest 133 Court property where
24 your cousin's son resides owned by Lisette Hawit-Medrano
25 will become the property of the United States government.

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1 They will not realize \$1 million by securing
2 that cash and real estate. So they will come after you
3 and your daughter and your former son-in-law and your
4 cousin and your daughter's mother until they've recovered
5 that \$1 million amount. That will go on for the rest of
6 their lives and yours until the money is recovered.
7 That's the easy part.

8 A warrant will issue for your arrest if you
9 break the rules of the bond and you'll be brought back
10 before this Court. I predict you will not be released on
11 bail again. I predict you will be remanded without bail
12 for the remainder of your case. And I predict you will
13 be charged with a new crime for violating the conditions
14 of your bail.

15 You can be convicted of that new crime even if
16 you're not convicted of any of the charges that are
17 currently pending against you. If you were convicted of
18 violating your bond, the law requires the judge to
19 sentence you to prison for it. If you are convicted of
20 violating your bond and any of the underlying charges
21 that are pending, the law requires the judge to sentence
22 you to consecutive, not concurrent, but consecutive
23 prison sentences for that.

24 And if you commit any crime at all while you're
25 on bail from running a red light to the most serious, you

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1 could be arrested, brought back before this Court and
2 have your bail revoked. You will also face a harsher
3 penalty for the new crime because you were out on bail
4 when you committed it.

5 Do you understand me so far?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now here are some of the rules
8 you're going to have to follow. First of all, you're
9 going to have to show up in court whenever you're told
10 to. Second of all, you may not travel outside of the
11 Eastern District of New York or the Southern District of
12 Florida. Those are geographic areas that your lawyer
13 will help you understand much more specifically. And you
14 can't leave those areas except to travel from one to the
15 other.

16 You must avoid contact with your co-defendants
17 and any individual employed by or associated with any
18 sports marketing company identified in your indictment,
19 CONCCAF or any affiliated entity and FIFA or any
20 affiliated entity.

21 Do you understand that so far?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Your passport is already in the
24 possession of the Federal Bureau of Investigation and
25 you may not apply for a passport of any country while you

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1 are on bail. You will be subject to random visits at
2 your place of residence and if you go to work anywhere,
3 there as well. It will be your responsibility to make
4 the pretrial services officer who shows up unannounced,
5 comfortable and invited to investigate the bona fides of
6 your contention that you're residing where you say.

7 You will report to your pretrial services
8 officer as often and in whatever manner you are directed.
9 So if you're told to call twice a week and appear in
10 person once a week, that's what you will do.

11 I see that there is a condition of home
12 detention but I don't see a condition of EM. Is that
13 correct?

14 MR. TUCHMANN: No, the EM Should be on there.
15 If it's not there, that's something that the parties have
16 agreed to.

17 THE COURT: Oh, I am sorry. It is here. My
18 eyes glanced down the line.

19 You will be at home at your daughter's home,
20 subject to electronic monitoring. That means you will be
21 required to wear a device attached to your body. That,
22 like a cell phone, will tell the government where you are
23 all the time. You won't be permitted to leave your
24 daughter's address except for attorney visits, court
25 appearances and medical emergencies, religious services,

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1 as well.

2 Is all of that clear?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. Mr. Weddle, have your
5 client sign the bond where indicated.

6 THE CLERK: Mr. Hawit, signature bottom right
7 where the X is. Thank you.

8 THE COURT: Okay. Is there anything further?

9 MR. TUCHMANN: Not from the government, your
10 Honor.

11 THE COURT: Okay.

12 MR. WEDDLE: Not from the defense, your Honor.

13 THE CLERK: Thank you.

14 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this
2nd day of February, 2016.


Linda Ferrara

Linda Ferrara

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MS. HECTOR: Thank you.

(Matter concluded)

-oo-

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this

23rd day of **January**, 2016.

Linda Ferrara
Linda Ferrara

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